

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

KEITH FISCHER, MICHAEL O’SULLIVAN,
JOHN MOESER, LOUIS PIA, THOMAS
BARDEN, CONSTANCE MANGAN, and
CHARISE JONES individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

GOVERNMENT EMPLOYEES INSURANCE
COMPANY d/b/a GEICO,

Defendant.

No. 23 Civ. 02848 (SJB) (SLT)

DECLARATION OF MICHAEL J. SCIMONE
IN SUPPORT OF PLAINTIFFS’ REPLY IN SUPPORT OF MOTION FOR CLASS
CERTIFICATION

I, Michael J. Scimone, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner at Outten & Golden LLP (“O&G”) and one of the primary attorneys responsible for this matter.

2. I make this declaration in support of Plaintiffs’ Reply In Support of Plaintiffs’ Motion for Class Certification. I have personal knowledge of the matters set forth herein and would so testify if called as a witness at trial.

Exhibits

3. The exhibits referenced in Plaintiffs’ Reply In Support of Plaintiffs’ Motion for Class Certification are as follows:

- a. Attached as Exhibit 1 is a true and correct copy of Plaintiff Constance Mangan’s Performance Appraisal for 2019 (“Mangan 2019 Appraisal”).

- b. Attached as Exhibit 2 is a true and correct copy of Plaintiff Keith Fischer's Performance Appraisal for 2019 ("K. Fischer 2019 Appraisal").
- c. Attached as Exhibit 3 is a true and correct copy of excerpts of the transcript from the deposition of Plaintiff Charise Jones', dated August 12, 2024 ("Jones Dep.").
- d. Attached as Exhibit 4 is a true and correct copy of excerpts of the transcript from the deposition of Plaintiff Margaret Fischer, dated December 19, 2024 ("M. Fischer Dep.").
- e. Attached as Exhibit 5 is a true and correct copy of excerpts of the transcript from the deposition of Plaintiff Daniel King, dated January 7, 2025 ("King Dep.").
- f. Attached as Exhibit 6 is a true and correct copy of excerpts of the transcript from the deposition of Plaintiff Keith Fischer, dated August 28, 2024 ("K. Fischer Dep.").
- g. Attached as Exhibit 7 is a true and correct copy of excerpts of the transcript from the deposition of Plaintiff Michael O'Sullivan, dated August 26, 2024 ("O'Sullivan Dep.").
- h. Attached as Exhibit 8 is a true and correct copy of the Declaration of Catherine O'Neil In Support of Plaintiffs' Reply In Support of Class Certification ("O'Neil Reply Decl.").
- i. Attached as Exhibit 9 is a true and correct copy of excerpts of the transcript from the deposition of Catherine O'Neil, dated April 25, 2025 ("O'Neil Dep.").

* * *

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: June 11, 2025
Nyack, NY

Respectfully submitted,

/s/ Michael J. Scimone

Michael J. Scimone

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*Attorney for Plaintiffs and the Putative Class and
Collective*